

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

1

Court Minutes

August 17, 2009

At 9:30 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Scotland, Presiding Justice; Raye, Associate Justice; Robie, Associate Justice; and Horner, bailiff.

C058744 PULTE HOME CORPORATION et al. v. CITY OF MANTECA

Cause called. T. Peter Pierce argued for appellant. David P. Lanferman argued for respondent. Cause submitted.

At 10:01 a.m., the court recessed. At 10:03 a.m., the court reconvened with Blease, Associate Justice; Hull, Associate Justice; and Robie, Associate Justice.

C057970 Estate of CECIL MERTZ, Deceased; GIBSON v. THOMAS

Cause called. K. Robert Foster, Esq., argued for appellant. Tony J. Tanke argued for respondent. Cause submitted.

At 10:14 a.m., the court recessed. At 10:14 a.m., the court reconvened.

C059957 WATSON v. THE SUPERIOR COURT OF SACRAMENTO COUNTY; MEDICAL BOARD OF CALIFORNIA

Cause called. Alexander W. Kirkpatrick argued for appellant. Harinder Kapur, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:37 a.m., the court recessed. At 10:39 a.m., the court reconvened with Raye, Associate Justice; Hull, Associate Justice; and Robie, Associate Justice.

C059188 THE PEOPLE v. MANUEL MAGANA MONTES

Cause called. Alex N. Coolman, court appointed counsel, argued for appellant. Heather Gimble, Deputy Attorney General, argued for respondent. Cause submitted.

At 11:00 a.m., the court recessed. At 11:02 a.m., the court reconvened with Nicholson, Associate Justice; Robie, Associate Justice; and Cantil-Sakauye, Associate Justice.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

2

Court Minutes

August 17, 2009, Continued

C059378 VALLEY OAKS VILLAGE HOMEOWNERS ASSOCIATION v. LANE

Cause called. Margaret Carew Toledo argued for appellant. Michael R. Meinert argued for respondent. Cause submitted.

At 11:33 a.m., the court recessed. At 2:00 p.m., the court reconvened with Sims, Associate Justice; Robie, Associate Justice; and Butz, Associate Justice.

C058300 CREEKRIDGE TOWNHOME OWNERS ASSOCIATION, INC. v. WHITTEN, INC., et al.

Cause called. Paul P. Terry argued and Brad Epstein appeared only for appellant. G. Dale Britton argued for respondent. Cause submitted.

CONSOLIDATED WITH

C059458 CREEKRIDGE TOWNHOME OWNERS ASSOCIATION, INC. v. REO ROOFING COMPANY et al.

Cause called. William A. Robles argued for cross-complainant and respondent Monier, Inc. Pamela A. Lewis argued for respondent. Cause submitted.

At 2:30 p.m., the court recessed. At 2:30 p.m., the court reconvened.

C058298 McDANIEL, as Trustee, etc. v. ORBEA

Cause called. Stephanie Finelli argued for appellant. Joseph M. Earley, III, argued for respondent. Cause submitted.

CONSOLIDATED WITH

C058397 ORBEA v. McDANIEL

Cause called. Stephanie Finelli argued for appellant. Joseph M. Earley argued for respondent. Cause submitted.

At 2:57 p.m., the court recessed until 9:30 a.m., Tuesday, August 18, 2009.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

3

Court Minutes

August 18, 2009

At 9:30 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Blease, Associate Justice; Nicholson, Associate Justice; Robie, Associate Justice; and Haskett, bailiff.

C058270 SCHMIDLI et al. v. PEARCE et al.

Cause called. Jeffrey D. Heiser argued for appellant. Craig Rasmussen argued for respondent. Cause submitted.

At 9:57 a.m., the court recessed. At 9:59 a.m., the court reconvened with Blease, Associate Justice; Nicholson, Associate Justice; and Hull, Associate Justice.

C058321 THE PEOPLE v. DONALD JOSEPH BERRY

Cause called. Charles M. Bonneau, court appointed counsel, argued for appellant. R. Todd Marshall, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:30 a.m., the court recessed. At 10:32 a.m., the court reconvened with Raye, Associate Justice; Hull, Associate Justice; and Cantil-Sakauye, Associate Justice.

C051975 MICKLEY v. LODI UNIFIED SCHOOL DISTRICT et al.

Cause called. Michael J. Matteucci argued for appellant. John Steve Cechini argued for respondent. Cause submitted.

At 11:02 a.m., the court recessed. At 11:06 a.m., the court reconvened with Raye, Associate Justice; Butz, Associate Justice; and Cantil-Sakauye, Associate Justice.

C058413 THE PEOPLE v. JOHNNIE LEE FIELDS

Cause called. Conrad Petermann, court appointed counsel, argued for appellant. Daniel B. Bernstein, Deputy Attorney General, argued for respondent. Cause submitted.

At 11:28 a.m., the court recessed. At 2:00 p.m., the court reconvened with Scotland, Presiding Justice; Sims, Associate Justice; and Butz, Associate Justice.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

4

Court Minutes

August 18, 2009, Continued

**C060161 In re A.B.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND
HUMAN SERVICES v. R.B.**

Cause called. Robert B. argued for appellant in pro. per.. Samantha Tali argued for respondent. Cause submitted.

At 2:10 p.m., the court recessed. At 2:14 p.m., the court reconvened with Scotland, Presiding Justice; Hull, Associate Justice; and Butz, Associate Justice.

**C057884 CUPLER v. CUPLER; CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT
SYSTEM**

Cause called. Submission deferred. Derek M. Hooper argued for appellant. Kathleen argued for respondent in pro. per.. Michelle (Micki) Winsett Gibbs argued for respondents California Public Employees' Retirement System. They are to advise this court by 09/01/09 if they want this court to submit the matter.

At 2:46 p.m., the court recessed. At 2:48 p.m., the court reconvened with Blease, Associate Justice; Nicholson, Associate Justice; and Hull, Associate Justice.

C056626 CRAWFORD et al. v. PACIFIC REFINING COMPANY et al.

Cause called. No appearance was made for cross-complainants and appellants. Antonio P. Garcia, Jr. argued for cross-respondents Pacific Refining. Dean Pollack argued for cross-respondent Richard J. Finn. Cause submitted.

At 2:49 a.m., the court recessed. At 2:50 p.m., the court reconvened with Blease, Associate Justice; Hull, Associate Justice; and Butz, Associate Justice.

C058470 THE PEOPLE v. ROSIENDO GARCIA AMAVIZCA

Cause called. Scott D. Peebles, court appointed counsel, argued for appellant. Ivan P. Marrs, Deputy Attorney General, argued for respondent. Cause submitted.

At 3:03 p.m., the court recessed until 9:30 a.m., Wednesday, August 19, 2009.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

5

Court Minutes

August 18, 2009, Continued

- C058378 THE PEOPLE v. (Not For Publication)**
JOSE STEWART BENAVIDEZ
The judgment is affirmed.
NICHOLSON, Acting P.J.
We Concur: Hull, J.
Robie, J.
- C058907 THE PEOPLE v. (Not For Publication)**
WALTER P. PANTEGA
The order revoking probation and sentencing defendant to prison is vacated. The matter is remanded for further proceedings in light of part I of the Discussion.
NICHOLSON, J.
We Concur: Scotland, P.J.
Sims, J.
- C059494 THE PEOPLE v. (Not For Publication)**
KENNETH RAY GRUSHEN, JR.
The judgment is affirmed.
BLEASE, Acting P.J.
We Concur: Nicholson, J.
Cantil-Sakauye, J.
- C059929 THE PEOPLE v. (Not For Publication)**
REGINALD OSMUND NASH
The judgment is affirmed.
BLEASE, Acting P.J.
We Concur: Robie, J.
Cantil-Sakauye, J.
- C061115 THE PEOPLE v. (Not For Publication)**
SCOTT MILLER ANSCHUETZ
The judgment is affirmed.
BUTZ, J.
We Concur: Scotland, P.J.
Sims, J.
- C061187 THE PEOPLE v. (Not For Publication)**
ROBERT LEE WILLIAMS
The judgment is affirmed.
BUTZ, J.
We Concur: Scotland, P.J.
Sims, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

6

Court Minutes

August 18, 2009, Continued

C057512 In re K.F. et al.; SACRAMENTO COUNTY (Not For Publication)
DEPARTMENT OF HEALTH AND HUMAN
SERVICES v. D.F.

The orders of the juvenile court are affirmed.

BUTZ, J.

We Concur: Blease, Acting P.J.

Hull, J.

C057405 ABRAHAM v. STATE OF CALIFORNIA et al. (Not For Publication)

The judgment is affirmed. Costs on appeal are awarded to respondents.

(Cal. Rules of Court, rule 8.278 (a) (1) .)

CANTIL-SAKAUYE, J.

We Concur: Sims, Acting P.J.

Hull, J.

C061262 In re M.W. et al.; YOLO COUNTY (Not For Publication)
DEPARTMENT OF EMPLOYMENT
AND SOCIAL SERVICES v. T.O.

The juvenile court's order is affirmed.

CANTIL-SAKAUYE, J.

We Concur: Blease, Acting P.J.

Robie, J.

C061302 In re D.W. et al.; YOLO COUNTY HEALTH (Not For Publication)
AND HUMAN SERVICES DEPARTMENT v.
M.W.

The orders of the juvenile court terminating appellant's parental rights are affirmed.

CANTIL-SAKAUYE, J.

We Concur: Blease, Acting P.J.

Nicholson, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

7

Court Minutes

August 19, 2009

At 9:30 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Scotland, Presiding Justice; Blease, Associate Justice; Butz, Associate Justice; and Horner, bailiff.

C054852 PERLEGOS et al. v. FRONTIER LAND COMPANIES

Cause called. Jeffrey E. Essner argued and Dori L. Yob appeared only for appellant. Peter M. Rehon argued for respondent. Cause submitted.

At 9:53 a.m., the court recessed. At 9:55 a.m., the court reconvened with Scotland, Presiding Justice; Blease, Associate Justice; and Cantil-Sakauye, Associate Justice.

C060166 MILLER v. BUSH, SR., et al.

Cause called. Gary B. Wesley argued for appellant. Bart W. Barringer argued for respondent. Cause submitted.

At 10:15 a.m., the court recessed. At 10:17 a.m., the court reconvened with Scotland, Presiding Justice; Blease, Associate Justice; and Raye, Associate Justice.

C060174 In re SCOTT GRAVES on Habeas Corpus.

Cause called. Michael Satris argued for appellant. Andrew R. Woodrow, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:40 a.m., the court recessed. At 10:41 a.m., the court reconvened with Scotland, Presiding Justice; Sims, Associate Justice; and Butz, Associate Justice.

C058810 COLE v. PATHAK et al.

Cause called. James H. Cole argued for appellant in pro. per.. Cameron Cobden argued for respondent Pathak. Glenn M. Holley argued for respondent Marshall Medical Center. Cause submitted.

At 10:58 a.m., the court recessed. At 10:59 a.m., the court reconvened with Blease, Associate Justice; Robie, Associate Justice; and Butz, Associate Justice.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

8

Court Minutes

August 19, 2009, Continued

C057934 ANDREYUK et al. v. WAL-MART TRANSPORTATION, LLC, et al.

Cause called. Anders R. Morrison argued for appellant. James V. Nolan argued for respondent Anishchenko. Jeffrey S. Pop argued for respondents Andreyuk et al. Cause submitted.

At 11:14 a.m., the court recessed. At 2:00 p.m., the court reconvened with Scotland, Presiding Justice; Sims, Associate Justice; and Raye, Associate Justice.

C058031 SMEDBERG et al. v. TOSTE et al.

Cause called. Charles G. Kinney argued for appellant. Douglas R. Roeca argued for respondent. Cause submitted.

At 2:32 p.m., the court recessed. At 2:36 p.m., the court reconvened with Scotland, Presiding Justice; Sims, Associate Justice; and Butz, Associate Justice.

C058506 In re A.I.; THE PEOPLE v. A.I.

Cause called. Michael Allen, court appointed counsel, argued for appellant. Ryan B. McCarroll, Deputy Attorney General, argued for respondent. Cause submitted.

At 3:04 p.m., the court recessed. At 3:05 p.m., the court reconvened.

C059750 CITY OF LINCOLN v. ESTRIDGE et al.

Cause called. Kimberly E. Hood argued for cross-defendant and appellant. Dennis L. Viglione argued and Vanessa R. Montague appeared only for cross-complainants and respondents. Cause submitted.

At 3:23 p.m., the court recessed. At 3:26 p.m., the court reconvened with Blease, Associate Justice; Sims, Associate Justice; and Robie, Associate Justice.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

9

Court Minutes

August 19, 2009, Continued

C058163 LUMINA et al. v. UMINA, as Trustee, etc.

Cause called. Etan E. Rosen argued and for appellant. Roderick L. Mackenzie argued and Darryl M. Brown appeared only for respondent. Cause submitted.

At 3:33 p.m., the court recessed. At 3:35 p.m., the court reconvened with Sims, Associate Justice; Robie, Associate Justice; and Butz, Associate Justice.

C054250 THE PEOPLE v. JOSHUA DANIEL TUGGLES et al.

Cause called. Sharon Wrubel, court appointed counsel, argued and for appellant Tuggles. Jerry D. Whatley, court appointed counsel, argued for appellant Mollett. Jeffrey Firestone, Deputy attorney General, argued for respondent. Cause submitted.

At 4:25 p.m., the court recessed until 9:30 a.m., Friday, August 21, 2009.

**C058499 THE PEOPLE v.
EARL WAYNE LAURIE**

(Not For Publication)

The judgment is affirmed.

HULL, J.

We Concur: Scotland, P.J.

Raye, J.

**C058682 THE PEOPLE v.
JASON MCKINLEY DILLINGHAM**

(Not For Publication)

The judgment is affirmed.

SCOTLAND, P.J.

We Concur: Raye, J.

Hull, J.

**C059977 THE PEOPLE v.
DAVID D. CEPEDA**

(Not For Publication)

The judgment is affirmed.

CANTIL-SAKAUYE, J.

We Concur: Raye, Acting P.J.

Butz, J.

\

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

10

Court Minutes

August 19, 2009, Continued

C060008 THE PEOPLE v. (Not For Publication)
ANDREW DANIEL STANLEY

Defendant's conviction is affirmed. The matter is remanded in accordance with the views expressed herein for a determination as to whether he is entitled to custody credits for time spent in substance abuse rehabilitation with the Father Alfred Center in San Francisco, and the St. Anthony Farm in Petaluma. If an award of additional custody credits is justified, the trial court is ordered to prepare an amended abstract of judgment that includes the additional time credits and to forward the amended abstract to the Department of Corrections and Rehabilitation.

NICHOLSON, J.

We Concur: Blease, Acting P.J.

Butz, J.

C060521 VIRATA v. THE SUPERIOR COURT (Not For Publication)
OF SACRAMENTO COUNTY

The petition for writ of mandate is denied.

The Clerk/Administrator of this court is directed to send a copy of this opinion to the State Bar of California.

(Bus. & Prof. Code, § 6086.7, subd. (a) (3) .)

SCOTLAND, P.J.

We Concur: Robie, J.

Canti;-Sakauye, J.

C058585 THE PEOPLE v. MICHAEL BLAIR DAVIS (Not For Publication)
THE COURT:

It is ordered that the opinion filed herein on July 20, 2009, be modified...

There is no change in the judgment.

Defendant's petition for rehearing is denied.

BY THE COURT:

BLEASE, Acting P.J.

Nicholson, J.

Raye, J.

August 20, 2009

C058736 THE PEOPLE v. (Not For Publication)
JOSEPH MICHAEL ALLEN

The judgment is affirmed.

CANTIL-SAKAUYE, J.

We Concur: Raye, Acting P.J.

Butz, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

11

Court Minutes

August 20, 2009, Continued

C059722 THE PEOPLE v. (Certified For Publication)
ADAM JAMES TURRIN

The appeal is dismissed.

SIMS, Acting P.J.

We Concur: Nicholson, J.

Cantil-Sakauye, J.

C058065 In re G.P.; SACRAMENTO COUNTY (Not For Publication)
C059668 DEPARTMENT OF HEALTH AND
HUMAN SERVICES v. JOHN P. et al.

The orders of the juvenile court are affirmed.

BLEASE, J.

We Concur: Scotland, P.J.

Robie, J.

C060026 THE PEOPLE v. (Not For Publication)
JERRY LEE ENGLISH

THE COURT:

The opinion filed July 21, 2009, is modified...

This modification effects a change in the judgment. As modified, the petition for rehearing is denied.

BY THE COURT:

BLEASE, Acting P.J.

Nicholson, J.

Cantil-Sakauye, J.

August 21, 2009

At 9:30 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Scotland, Presiding Justice; Blease, Associate Justice; Cantil-Sakauye, Associate Justice; and Haskett, bailiff.

C059920 VICE v. STATE FARM MUTUAL AUTOMOBILE INSURANCE Co., et al.

Cause called. W. Michael Garner argued for appellant. George A. Yuhas argued for respondent. Cause submitted.

At 9:54 a.m., the court recessed. At 9:54 a.m., the court reconvened.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

12

Court Minutes

August 21, 2009, Continued

C057538 THE PEOPLE v. DANIEL MAURICE ROCHA

Cause called. Kyle Gee, court appointed counsel, argued for appellant. Catherine G. Tennant Nieto, Deputy Attorney General, argued for respondent. Cause submitted.

CONSOLIDATED WITH

C057715 THE PEOPLE v. DANIEL MAURICE ROCHA

Cause called. Kyle Gee, court appointed counsel, argued for appellant. Catherine G. Tennant Nieto, Deputy Attorney General argued for respondent. Cause submitted.

At 10:09 a.m., the court recessed. At 10:15 a.m., the court reconvened with Scotland, Presiding Justice; Nicholson, Associate Justice; and Cantil-Sakauye, Associate Justice.

C057565 LEVINSON et al. v. OWENS et al.

Cause called. Daniel U. Smith argued for appellant. Mark G. Bonino argued for respondent. Cause submitted.

At 10:48 a.m., the court recessed. At 10:48 a.m., the court reconvened.

C058815 GOVERNING BOARD OF RIPON UNIFIED SCHOOL DISTRICT v. COMMISSION ON PROFESSIONAL COMPETENCE, etc.; MESSICK

Cause called. Thomas J. Driscoll, Jr., argued for appellant. Marleen L. Sacks argued for respondent. Cause submitted.

At 11:19 a.m., the court recessed. At 11:21 a.m., the court reconvened with Scotland, Presiding Justice; Nicholson, Associate Justice; and Hull, Associate Justice.

C056576 MATUS v. BOARD OF ADMINISTRATION OF CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM et al.

Cause called. Bennett Evan Cooper argued for appellant. John Michael Jensen argued for respondent. Cause submitted.

At 11:48 a.m., the court recessed. At 2:00 p.m., the court reconvened with Scotland, Presiding Justice; Raye, Associate Justice; and Robie, Associate Justice.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

13

Court Minutes

August 21, 2009, Continued

C058388 THE PEOPLE v. JAMES MORRIS

Cause called. Phillip M. Brooks, court appointed counsel, argued for appellant. Catherine B. Chapman, Deputy Attorney General, argued for respondent. Cause submitted.

At 2:29 p.m., the court recessed. At 2:30 p.m., the court reconvened with Sims, Associate Justice; Raye, Associate Justice; and Cantil-Sakauye, Associate Justice.

C060077 THE PEOPLE v. WILLIAM M. MARS

Cause called. Joseph M. Cook, Deputy Attorney General, argued for appellant. Paul V. Carroll, court appointed counsel, argued for respondent. Cause submitted.

CONSOLIDATED WITH

C060417 THE PEOPLE v. WILLIAM M. MARS

Cause called. Joseph M. Cook, Deputy Attorney General, argued for appellant. Paul V. Carroll, court appointed counsel, argued for respondent. Cause submitted.

At 2:46 p.m., the court recessed. At 2:48 p.m., the court reconvened with Sims, Associate Justice; Robie, Associate Justice; and Cantil-Sakauye, Associate Justice.

C056029 THE PEOPLE v. DEREK MARTINEZ et al.

Cause called. Mark Greenberg, court appointed counsel, argued for appellant. Stephanie A. Mitchell, Deputy Attorney General, argued for respondent. Cause submitted.

CONSOLIDATED WITH

C058137 THE PEOPLE v. MICHAEL LEE JOHNSON

Cause called. Mark Greenberg, court appointed counsel, argued for appellant. Stephanie A. Mitchell, Deputy Attorney General, argued for respondent. Cause submitted.

At 3:11 p.m., the court recessed until 9:30 a.m., Monday, August 24, 2009.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

14

Court Minutes

August 21, 2009, Continued

- C059506 THE PEOPLE v. (Not For Publication)**
SIDNEY EUGENE DAVIS
Defendant's conviction for receiving stolen property in count eight is reversed. In all other respects, the judgment is affirmed. The trial court shall amend the abstract of judgment accordingly and forward the amended abstract to the Department of Corrections and Rehabilitation.
RAYE, J.
We Concur: Sims, Acting P.J.
 Cantil-Sakauye, J.
- C059518 THE PEOPLE v. (Not For Publication)**
JIM DEAN WOLFENBARGER
The judgment is affirmed.
BLEASE, Acting P.J.
We Concur: Nicholson, J.
 Cantil-Sakauye, J.
- C060051 THE PEOPLE v. (Not For Publication)**
ANDREW LAWRENCE MACKEY
The convictions and findings on the enhancements are affirmed. The sentence is vacated, and the matter is remanded to the trial court for resentencing in accordance with this opinion.
SCOTLAND, P.J.
We Concur: Sims, J.
 Butz, J.
- C060681 THE PEOPLE v. (Not For Publication)**
THOMAS FRANKLIN HAMMITT
The judgment is affirmed. The trial court is directed to correct the abstract of judgment to reflect the total time imposed is three years, and to forward a certified copy of the corrected abstract to the Department of Corrections and Rehabilitation.
SCOTLAND, P.J.
We Concur: Sims, J.
 Butz, J.
- C060446 THE PEOPLE v. (Not For Publication)**
DAVID LOREN COOK
The order setting aside the information is reversed.
ROBIE, J.
We Concur: Nicholson, Acting P.J.
 Butz, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

15

Court Minutes

August 21, 2009, Continued

- C056367 GEORGE v. RISHER (Not For Publication)**
The judgment is affirmed. The parties shall bear their own costs on appeal. (Cal. Rules of Court, rule 8.278 (a) (5) .)
RAYE, J.
We Concur: Sims, Acting P.J.
 Cantil-Sakauye, J.
- C059892 YOLO COUNTY DEPARTMENT OF (Certified For Publication)**
CHILD SUPPORT SERVICES v.
LOWERY
The judgment is affirmed.
CANTIL-SAKAUYE, J.
We Concur: Sims, Acting P.J.
 Hull, J.
- C061042 BAUR v. WORKERS' COMPENSATION (Certified For Publication)**
APPEALS BOARD and CITY OF
STOCKTON
The order of the Workers' Compensation Appeals Board denying reconsideration is affirmed. The city shall be awarded its costs on appeal. (Cal. Rules of Court, rule 8.278 (a) (1) .)
ROBIE, J.
We Concur: Scotland, P.J.
 Raye, J.